

REMARKS

Claims 1-2 and 4-15 were pending. Claims 16-20 have been added, leaving claims 1-2 and 4-20 for consideration in the present application.

Claims 1-2, 4 and 7-9 were rejected as unpatentable over SHINO et al. 5,656,893 in view of PETERSEN 5,747,100; claim 5 was rejected as unpatentable further in view of WATANABE et al. 5,801,483; claim 6 was rejected as unpatentable further in view of NOMURA et al. 5,185,554; claims 10, 12 and 15 were rejected as unpatentable further in view of TSAI et al. 5,508,584; and claims 11 and 13-14 were rejected as unpatentable over TSAI et al. and NOMURA et al. Reconsideration and withdrawal of the rejections are respectfully requested.

The Official Action acknowledges that SHINO et al. do not disclose the claimed phosphor layer that covers an entirety of the inner space overlying the linear parts of the first and second electrodes, and relies on PETERSEN for the suggestion to modify the separate R/G/B phosphor layers in SHINO et al.

However, PETERSEN discloses that the phosphor layer 70 is to be placed outside the inner space, such as illustrated in Figure 5 of PETERSEN. This contradicts the subject matter of the present claims in which the phosphor layer covers an entirety of the inner space overlying the linear parts of the first and second electrodes.

Beginning at column 11, line 18, PETERSEN discusses the embodiment of Figure 5. As explained therein, PETERSEN uses a UV-emitting layer 72 inside the inner space. When excited, layer 72 emits UV light through face plate 60 to the phosphor layer 70 that is outside the inner space. Layer 72 may also be thermal heat sink. As noted at column 12, beginning at line 5, phosphor layer 70 is deposited outside the inner space so that phosphors with lower temperature tolerances can be used.

If one of skill in the art were to combine SHINO et al. and PETERSEN, the phosphor layer would be on the outside, not the inside of the inner space.

Further, it is not clear how one of skill in the art would combine the references. SHINO et al. employ separate phosphor layers that are different colors while PETERSEN has a single phosphor layer. How would the different colors that are part of the SHINO et al. device be produced in the combination if there were only one phosphor layer? The combination would substantially change SHINO et al. to the point that the device therein would no longer function in the manner intended, if it functioned at all. One of skill in the art would recognize this problem and would not be motivated to combine the references.

Accordingly, it is believed that the claims avoid the rejections under §103.

Claims 1-15 were rejected under §112, second paragraph. Reconsideration and withdrawal of the rejection are respectfully requested because the use of "generally" and "substantially" is acceptable.

The application is drafted for one of skill in the art and it is only necessary that the application be understandable by those of skill in the art. The term "generally" is applied in the context of "generally perpendicular" and "generally parallel." One of skill in the art, upon reading this language, will understand that the claims do not require the features to be exactly parallel or exactly perpendicular. As is apparent from the specification, the exact alignment of these features is not critical in the sense that a few degrees either way would have no effect. One of skill in the art will understand this and have no trouble interpreting the claims. *Ex parte Shelton*, 92 U.S.P.Q. 374, 375 (PTO Bd. App. 1950).

As stated in MPEP 2173.05(b), the term "substantially" is often used in conjunction with another term. It is a broad term, but not necessarily indefinite. Indeed, the Court of Appeals for the Federal Circuit has weighed in on this subject and has stated that the term "substantially equal" is definite simply because one of ordinary skill in the art would know what is meant by "substantially equal." Such is the case here where "substantially" is used to describe the effect of covering the

entirety of the inner space with a phosphor layer, namely so that "substantially all of the phosphor layer is excited by discharge paths defined between adjacent pairs of the linear parts." As pointed out in the previous response, and as would be apparent to one of skill in the art, Figure 4 of the present application shows that almost no area of the phosphor layer 6 is not excited by one of the discharge paths P1, P2, etc. The area between adjacent pairs of the same electrodes (e.g., between electrodes 7-2a and 7-2b) is so small as to be inconsequential. Further, the application acknowledges that the device of the present invention has "a substantially even luminance distribution" (page 10, line 12, emphasis added), which will be understood by one of skill in the art to mean that the some variation in luminance may occur, which would be caused by some small parts of the phosphor layer not receiving the same excitation as other parts. Accordingly, one of skill in the art will understand how the claims are to be interpreted, which is all that is required.

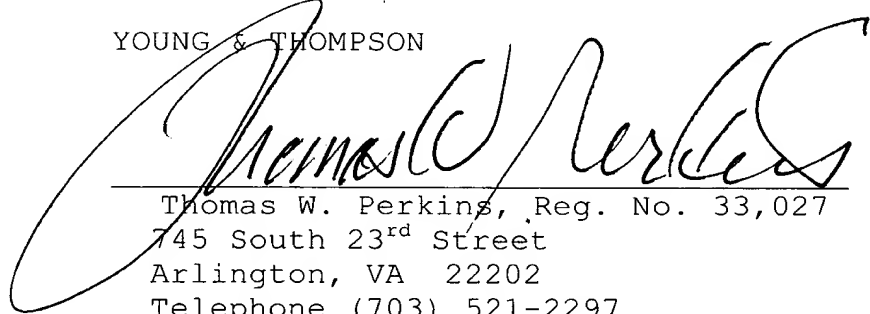
Claims 16-20 define an embodiment of the present invention in which the first and second electrodes each have linear parts and each of these linear parts have two branches apart from each other. The linear parts of the second electrode are between two adjacent ones of the linear parts of the first electrode. This is illustrated, by way of example, in Figures 4 and 5 of the present application.

SHINO et al. disclose in Figure 11B that the first discharge electrode has teeth 201 and the second discharge electrode has teeth 202 that are alternately arranged in a specified direction. This electrode structure is similar to the admitted prior art illustrated in Figure 2 of the present application. However, this reference fails to disclose the linear parts and branches as claimed in claims 16-20. Further, applicant has carefully considered the other cited references and did not find any suggestion to modify SHINO et al. in the manner claimed in claims 16-20. Accordingly, the new claims are also believed to be allowable.

In view of the present amendment and the foregoing remarks, it is believed that the present application is in condition for allowance. Reconsideration and allowance are respectfully requested.

Respectfully submitted,

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A large, stylized handwritten signature in black ink, appearing to read 'Thomas W. Perkins', is written over the printed name and address.

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